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In re Application of :  
MIYAZAKI et al. :  
Application No.: 09/868,029 : DECISION ON  
PCT No.: PCT/JP00/08019 :  
Int. Filing Date: 14 November 2000 : PETITION UNDER  
Priority Date: 14 November 1999 :  
Attorney Docket No.: 7254/63012 : 37 CFR 1.137(b)  
For: PORTABLE RECEIVING AND OR :  
REPRODUCING DEVICE REPRODUCING METHOD :  
AND RECORDING REPRODUCING METHOD :  
:

This decision is in response to applicant's "PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 CFR § 1.137(b)" filed 23 September 2002.

#### BACKGROUND

On 14 November 2000, applicant filed international application PCT/US00/33608, which claimed a priority date of 14 November 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 25 May 2001. The twenty-month period for paying the basic national fee in the United States expired at midnight on 14 July 2002.

On 13 June 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, a translation of the international application into English, and the "PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 CFR § 1.137(b)".

On 01 August 2001, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form DO/EO/US/905) indicating, *inter alia*, that an oath or declaration of the inventors and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than twenty months from the priority date were required.

On 21 June 2002, the DO/EO/US mailed a NOTICE OF ABANDONMENT indicating that the application was abandoned for failure to timely or properly reply to the NOTIFICATION OF MISSING REQUIREMENTS mailed 01 August 2001.

On 23 September 2002, applicants submitted the instant "PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 CFR § 1.137(b)" which was accompanied by, *inter alia*, a declaration of the inventors.

### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted a declaration of inventors and the surcharge under 37 CFR 1.492(e) on 23 September 2002. This declaration complies with 37 CFR 1.497(a)-(b).

As to item (2), applicant submitted the petition fee on 23 September 2002.

With regard to item (3), petitioner has provided the required statement.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

### **CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including according the application a 35 U.S.C. 371(c) date of 23 September 2002.



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